

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Leo McClam,) Civil Action No. 3:07-3139-TLW-JRM
)
Plaintiff,)
)
vs.) REPORT AND RECOMMENDATION
)
Mr. NFN McDonald, in his individual capacity,)
)
Defendant.)
_____)

The plaintiff brought this action seeking relief pursuant to 42 U.S.C. § 1983.* On March 25, 2008, the plaintiff filed a pleading entitled "Motion To Drop Suite(sic)." On April 2, 2008, defendant filed its response to the motion and do not oppose the dismissal of this case. It is, therefore,

RECOMMENDED that this action be dismissed without prejudice.

Respectfully submitted,

s/Joseph R. McCrorey
United States Magistrate Judge

April 3, 2008

Columbia, South Carolina

The parties' attention is directed to the important information on the attached notice.

*This case, which the plaintiff has filed under 42 U.S.C. § 1983, was automatically referred to the undersigned United States Magistrate Judge for all pretrial proceedings pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 73.02 (B)(2)(d), DSC.

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Court Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005).

Specific written objections must be filed within ten (10) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The time calculation of this ten-day period excludes weekends and holidays and provides for an additional three (3) days for filing by mail. Fed. R. Civ. P. 6(a) & (e). Filing by mail pursuant to Fed. R. Civ. P. 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985).